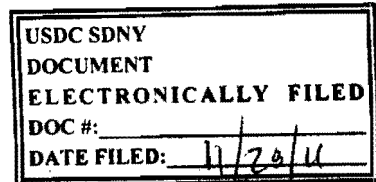


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



TUFAMERICA, INC.

Plaintiff,

-v-

MARTIN KOPPEL et al

Defendants.

11 -CV-6535 (JPO)

CIVIL CASE  
MANAGEMENT PLAN  
AND SCHEDULING  
ORDER

J. PAUL OETKEN, District Judge:

The Court hereby sets the following schedule for this case.


1. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.
2. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days from the date of this Order.
3. Fact Discovery
  - a. All fact discovery shall be completed no later than February 28, 2012.
  - b. Initial requests for production of documents shall be served by January 10, 2012.
  - c. Interrogatories shall be served by January 24, 2012.
  - d. Depositions shall be completed by January 30, 2012.
  - e. Requests to admit shall be served by January 30, 2012.
  - f. Any of the deadlines in paragraphs 3(b) through 3(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 3(a).
4. Expert Discovery
  - a. All expert discovery, including expert depositions, shall be completed no later than March 29, 2012.

- b. Plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made no later than February 28, 2012.
  - c. Defendant's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made no later than March 13, 2012.
  - d. The interim deadlines in paragraphs 4(b) and 4(c) may be extended by the written consent of all parties without application to the Court, provided that expert discovery is completed by the date set forth in paragraph 4(a).
5. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed. Pursuant to the authority of Fed. R. Civ. P. 16(c)(2), any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto is made in writing within fourteen (14) days after the date in paragraph 3(a) (*i.e.*, the close of fact discovery).
6. All counsel must meet in person to discuss settlement within fourteen (14) days following the close of fact discovery.
7. Unless otherwise ordered by the Court, within thirty (30) days of the close of all discovery, or, if a dispositive motion has been filed, within thirty (30) days of a decision on such motion, the parties shall submit to the Court for its approval a Joint Final Pretrial Order prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions *in limine* shall be filed on or before the date on which the Final Pretrial Order is due. If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and verdict form shall also be filed on or before the Final Pretrial Order due date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Order due date, unless they meet the standard of Fed. R. Civ. P. 51(a)(2)(A). If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on or before the Final Pretrial Order due date.
8. The parties shall be ready for trial on April 30, 2012.
9. A status conference is scheduled for December 22, 2011, at 11:00 AM by telephone.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraphs 3(f) and 4(d)) shall be made in a written application in accordance with Court's Individual Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.

SO ORDERED.

Dated: New York, New York  
*Nov 28*, 2011

  
J. PAUL OETKEN  
United States District Judge